

PTO Form 1830 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78464944
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Sir:</p> <p>Examiner Turner is thanked for the courtesies extended to Applicant's representative (Nicole Buckner) during a telephone interview on October 21, 2009 and subsequent e-mail communications, the substance of which is incorporated below.</p> <p>In response to the new specimen requirement outlined on page 2 of the Office Action, Applicant respectfully submits a substitute specimen herewith. The substitute specimen shows the mark in use in commerce in connection with the class of goods (class 009) specified in the Statement of Use filed on September 19, 2008. In particular, the substitute specimen consists of photographs of a large display panel used at trade shows where the goods are featured and available for purchase by order. The display prominently depicts the mark, and images of goods in class 009 (i.e., a cavity RF resonator, a cavity RF filter, a multilayer RF capacitor and an RF filter) are featured directly thereunder. Applicant respectfully submits that the display is clearly related to the sale of the goods such that an association of the two is inevitable, pursuant to TMEP §904.03(g).</p> <p>Applicant respectfully submits that the substitute specimen was in use in commerce prior to the expiration of time allowed Applicant for filing a statement of use. A verified statement to that effect is included herewith.</p> <p>During the telephone interview and through subsequent e-mail communications, Examiner Turner tentatively indicated that the substitute specimen submitted herewith, coupled with the appropriate Declaration verifying its use in commerce prior to the expiration of time allowed for filing a statement of use, should be acceptable.</p> <p>In light of the foregoing, Applicant respectfully requests that the PTO accept the substitute specimen submitted herewith and allow this application to proceed in the registration process.</p> <p>Respectfully submitted,</p> <p>BURR & BROWN</p>	

Nicole J. Buckner	
Attorney for Applicant	
BURR & BROWN	
P.O. Box 7068	
Syracuse, New York 13261	
Telephone: (315) 233-8300	
Facsimile: (315) 233-8320	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Electronic components and precursors therefor containing dielectric material, namely, microwave and RF filters, microwave and RF resonators, duplexers, duplexers, microwave and RF switch filters, microwave and RF filter networks, and gain equalizers, for use in electronic devices	
FIRST USE ANYWHERE DATE	At least as early as 06/00/2006
FIRST USE IN COMMERCE DATE	At least as early as 06/00/2006
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Electronic components and precursors therefor containing dielectric material, namely, microwave and RF filters, microwave and RF resonators, duplexers, duplexers, microwave and RF switch filters, microwave and RF filter networks, and gain equalizers, for use in electronic devices	
FIRST USE ANYWHERE DATE	At least as early as 06/00/2006
FIRST USE IN COMMERCE DATE	At least as early as 06/00/2006
STATEMENT TYPE	"The specimen(s) was in use in commerce prior to expiration of the filing deadline for filing a Statement of Use (SOU)."
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	http://tgatc/PDF/RFR/2009/10/26/20091026152922959861-78464944-002_001/SPU0-2497178250-152128159_._substitute_specimens_submitted.pdf
CONVERTED PDF FILE(S)	\\TICRS\EXPORT8\IMAGEOUT8\784\649\78464944\xml2

(3 pages)	<u>\RFR0002.JPG</u>
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	<u>\\TICRS\EXPORT8\IMAGEOUT8\784\649\78464944\xml2\RFR0004.JPG</u>
SPECIMEN DESCRIPTION	﻿Two photographs showing a large display panel used at trade shows where the goods are featured and available for purchase by order. The display prominently depicts the mark, and images of goods in class 009 (i.e., a cavity RF resonator, a cavity RF filter, a multilayer RF capacitor and an RF filter) are featured directly thereunder. Also included is a design specification sheet detailing the dimensions of the display booth on which the display panel is used.
FILING BASIS	Section 1(b)
CORRESPONDENCE SECTION	
NAME	Nicole J. Buckner
FIRM NAME	Burr & Brown
INTERNAL ADDRESS	7th Floor
STREET	101 South Salina Street
CITY	Syracuse
STATE	New York
ZIP/POSTAL CODE	13202
COUNTRY	United States
EMAIL	jstevens@burrandbrown.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/10/26/20091026152922959861-78464944-002_002/HS_2497178250-152128159_Executed_Declaration.pdf
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT8\IMAGEOUT8\784\649\78464944\xml2\RFR0005.JPG</u>
SIGNATORY'S NAME	Amy Ward
SIGNATORY'S POSITION	President
RESPONSE SIGNATURE	/NJBuckner/

SIGNATORY'S NAME	Nicole J. Buckner
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	10/26/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Oct 26 15:29:22 EDT 2009
TEAS STAMP	USPTO/RFR-24.97.178.250-2 0091026152922959861-78464 944-4601534f3913d98298481 7f3124d1c356a-N/A-N/A-200 91026152128159174

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **78464944** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Sir:

Examiner Turner is thanked for the courtesies extended to Applicant's representative (Nicole Buckner) during a telephone interview on October 21, 2009 and subsequent e-mail communications, the substance of which is incorporated below.

In response to the new specimen requirement outlined on page 2 of the Office Action, Applicant respectfully submits a substitute specimen herewith. The substitute specimen shows the mark in use in commerce in connection with the class of goods (class 009) specified in the Statement of Use filed on September 19, 2008. In particular, the substitute specimen consists of photographs of a large display panel used at trade shows where the goods are featured and available for purchase by order. The display prominently depicts the mark, and images of goods in class 009 (i.e., a cavity RF resonator, a cavity RF filter, a multilayer RF capacitor and an RF filter) are featured directly thereunder. Applicant respectfully submits that the display is clearly related to the sale of the goods such that an association of the two is inevitable, pursuant to TMEP §904.03(g).

Applicant respectfully submits that the substitute specimen was in use in commerce prior to the expiration of time allowed Applicant for filing a statement of use. A verified statement to that effect is included herewith.

During the telephone interview and through subsequent e-mail communications, Examiner Turner tentatively indicated that the substitute specimen submitted herewith, coupled with the appropriate Declaration verifying its use in commerce prior to the expiration of time allowed for filing a statement of use, should be acceptable.

In light of the foregoing, Applicant respectfully requests that the PTO accept the substitute specimen submitted herewith and allow this application to proceed in the registration process.

Respectfully submitted,

BURR & BROWN

Nicole J. Buckner

Attorney for Applicant

BURR & BROWN

P.O. Box 7068

Syracuse, New York 13261

Telephone: (315) 233-8300

Facsimile: (315) 233-8320

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Electronic components and precursors therefor containing dielectric material, namely, microwave and RF filters, microwave and RF resonators, duplexers, diplexers, microwave and RF switch filters, microwave and RF filter networks, and gain equalizers, for use in electronic devices

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 009, the mark was first used at least as early as 06/00/2006 and first used in commerce at least as early as 06/00/2006.

Proposed: Class 009 for Electronic components and precursors therefor containing dielectric material, namely, microwave and RF filters, microwave and RF resonators, duplexers, diplexers, microwave and RF switch filters, microwave and RF filter networks, and gain equalizers, for use in electronic devices

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified

goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 009, the mark was first used at least as early as 06/00/2006, and first used in commerce at least as early as 06/00/2006.

Applicant hereby submits a new specimen for Class 009. The specimen(s) submitted consists of
﻿Two photographs showing a large display panel used at trade shows where the goods are featured and available for purchase by order. The display prominently depicts the mark, and images of goods in class 009 (i.e., a cavity RF resonator, a cavity RF filter, a multilayer RF capacitor and an RF filter) are featured directly thereunder. Also included is a design specification sheet detailing the dimensions of the display booth on which the display panel is used..

For an application based on 1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to expiration of the filing deadline for filing a Statement of Use (SOU)."

Original PDF file:

http://tgate/PDF/RFR/2009/10/26/20091026152922959861-78464944-002_001/SPU0-2497178250-152128159_.substitute.specimens_submitted.pdf

Converted PDF file(s) (3 pages)

Specimen File1

Specimen File2

Specimen File3

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Kevin C. Brown
BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

Proposed:

Nicole J. Buckner of Burr & Brown, having an address of
7th Floor 101 South Salina Street Syracuse, New York 13202
United States
jstevens@burrandbrown.com

SIGNATURE(S)

Declaration Signature

Original PDF file:

http://tgate/PDF/RFR/2009/10/26/20091026152922959861-78464944-002_002/HS_2497178250-152128159_.Executed_Declaration.pdf

Converted PDF file(s) (1 page)

Signature File1

Signatory's Name: Amy Ward
Signatory's Position: President

Request for Reconsideration Signature

Signature: /NJBuckner/ Date: 10/26/2009
Signatory's Name: Nicole J. Buckner
Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of

the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Nicole J. Buckner
Burr & Brown
7th Floor
101 South Salina Street
Syracuse, New York 13202

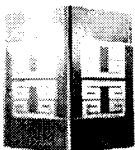
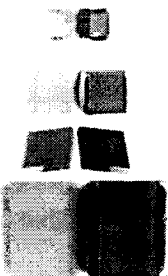
Serial Number: 78464944
Internet Transmission Date: Mon Oct 26 15:29:22 EDT 2009
TEAS Stamp: USPTO/RFR-24.97.178.250-2009102615292295
9861-78464944-4601534f3913d982984817f312
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Our New Technologies are
the Wave of the Future

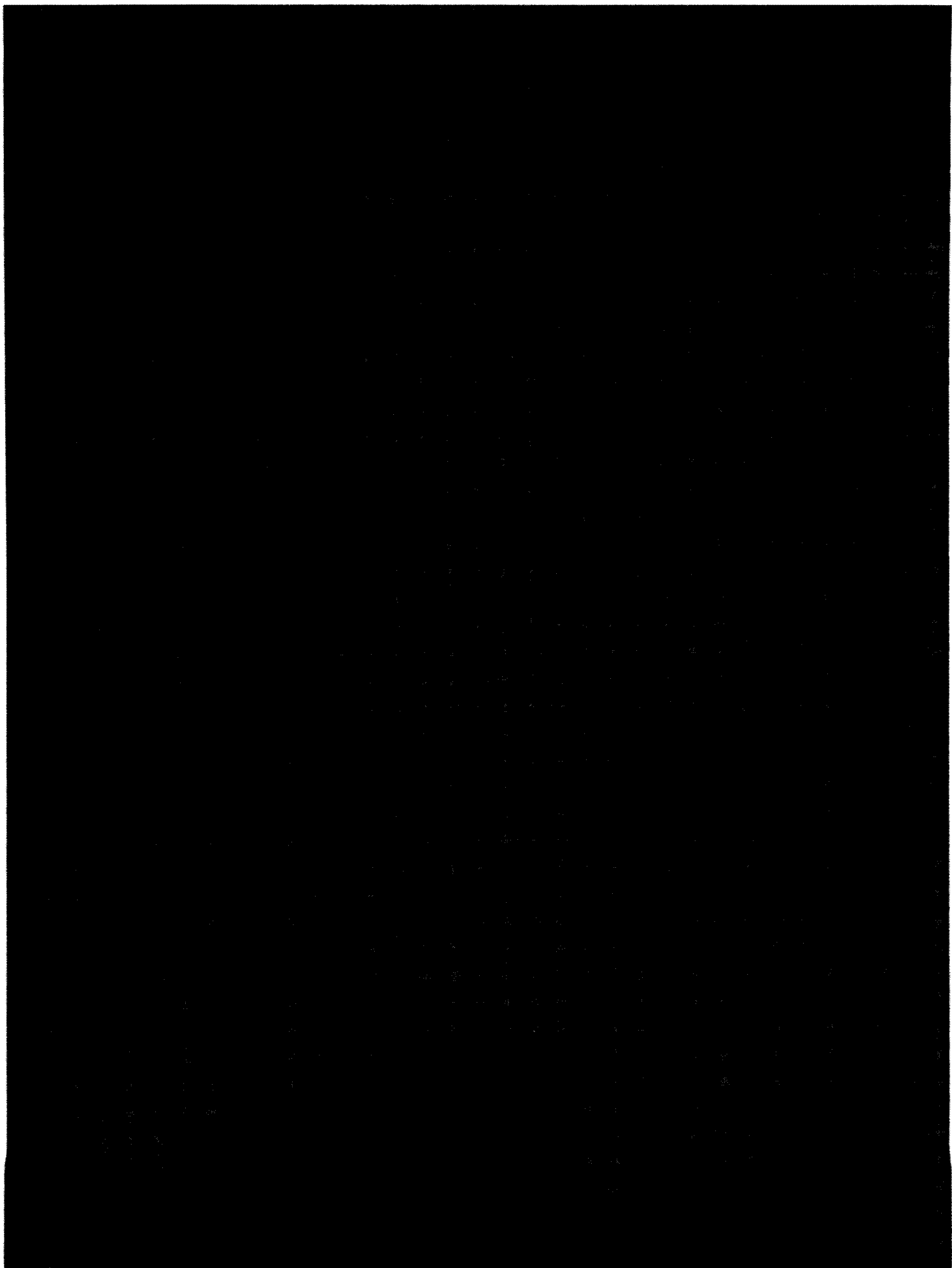
- The most appropriate range of values for Q must be determined
- The range can be the basis to higher frequency Flares and Bursts
- We can convert High Q Math. Inverting a slope
- The location of any of these features



www.dish.com

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (○), 10⁷ cells/ml (□), 10⁸ cells/ml (△), and 10⁹ cells/ml (◇). The error bars represent the standard deviation of three independent experiments.

www.diplabs.com

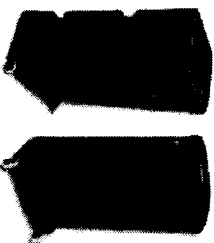


works expo™

Works

pop-up plus

This simple to use, lightweight system consists of...



a choice of carry cases



durable graphic set



self-locating magnetic channel bars



high quality aluminium frame



halogen lights (optional)

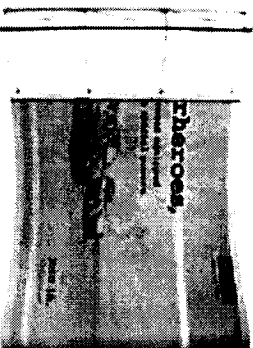
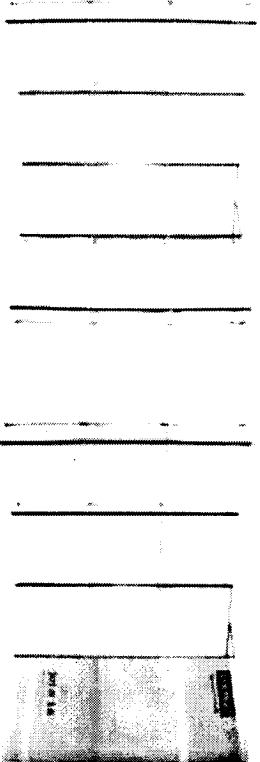
QUALITY DISPLAY...

...at a budget price

This high quality pop-up display comes with a full lifetime guarantee. Graphics can be hung onto the inner and outer surfaces of the Works Pop-up Plus, which is available in a number of different sizes and configurations that can be combined to create a fully flexible, modular display.

Options include 200 watt halogen lights, a case-to-table conversion kit with graphics plus internal or external shelving.

Applications include: exhibitions, trade shows, sales aids, in-store promotions, branding, point-of-sale, roadshows and recruitment.

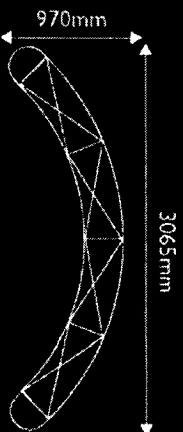


specifications

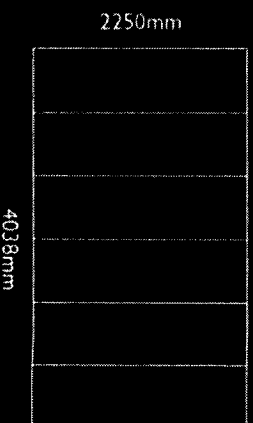
DIMENSIONS (CURVED 4X3)

Height	2250mm
Width	3065mm
Depth	970mm
Weight	15kg

FOOT PRINT



PRINT AREA



CONTACT DETAILS

Works Expo Ltd
G 1 South Point Industrial Estate,
Foreshore Road, Cardiff Bay, CF10 4SP
Tel: 0870 241 8025
Fax: 0870 241 8026
Email: info@worksexpo.com



Our Ref.: 851_028-1

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Delaware Capital Formation, Inc. ATTORNEY: Jason F. Turner
SERIAL NO.: 78/464,944 LAW OFFICE: 108
TRADEMARK: XTREME Q
FILED: August 10, 2004

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

DECLARATION UNDER 37 C.F.R. §2.20 - SPECIMEN(S)

Sir or Madam:

The undersigned declares that the substitute specimen(s) attached hereto was in use in commerce prior to the expiration of the time allowed applicant for filing a statement of use.

The substitute specimen shows the mark as used in commerce in connection with items in the class. The substitute specimen consists of a large display panel used at trade shows where the goods are featured and available for purchase by order. The display depicts the mark, and goods in the class (i.e., a cavity RF resonator, a cavity RF filter, a multilayer RF capacitor and an RF filter) are featured directly below the mark on the display.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or document, or any resulting registration; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date:

10/22/09

Delaware Capital Formation, Inc.

By:

Amy Ward

Name:

Amy Ward

Title:

President